United Nations S/2011/690

Security Council

Distr.: General
9 November 2011

Original: English

## Identical letters dated 4 November 2011 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council

I am writing to you concerning a recent development whereby apparently two boats are trying to reach Gaza.

The boats have no connection with Turkey. None of them are under Turkish flag nor are there any Turkish subjects on board, including the captains.

The boats left Turkey on 3 November as they were fully seaworthy and declared their destination at Rhodes.

Such attempts to reach Gaza are just symptoms. The root cause is the inhuman and illegal siege of Gaza. As long as the root cause is not eliminated, the symptoms will inevitably continue to appear.

The illegality of the blockade imposed on Gaza by Israel is unquestionable. Although there is no room for question on the matter of illegality, we observe that Israel tries to base its arguments on the Palmer Report, to which it is not even signed up.

The resolutions of the Human Rights Council on the situation in Gaza, including resolution 14/1 of 2 June 2010, and document A/HRC/15/21 of 27 September 2010, concluded that Israel's land and naval blockade of Gaza is unlawful under international law, and that Israel's interdiction of the *Mavi Marmara* on the high seas was unlawful and cannot be justified under Article 51 of the Charter. These resolutions were also accepted by the United Nations General Assembly.

Also, several United Nations General Assembly resolutions, including resolution 64/10 of 5 November 2009, endorsed the report of the United Nations fact-finding mission on the Gaza conflict, which concluded that the land and naval blockade implemented by Israel are unlawful.

The United Nations Security Council, too, condemned, through its presidential statement S/PRST/2010/9 of 1 June 2010, referring to resolution 1860 (2009) of 8 January 2009, Israel's use of force against the *Mavi Marmara* and other vessels of the convoy on the high seas, and reiterated the Council's grave concern at the humanitarian situation in Gaza.

The loss of life and injuries resulting from the use of force by Israeli forces during the take-over of the *Mavi Marmara* were unacceptable. Nine passengers were



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killed and many others seriously wounded by Israeli forces. No satisfactory explanation has been provided to the Panel of Inquiry by Israel for any of the nine deaths.

I should be grateful if you would have this letter distributed as a document of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Permanent Representative